

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE: OPTIVER COMMODITIES  
LITIGATION

MASTER FILE NO. 08-CV-6842 (LAP)

This document relates to:

*Brendan Cody v. Optiver US, LLC, et al.*,  
No. 08 CV. 7216 (LAP)

ECF CASE

**DECLARATION OF BERNARD PERSKY IN SUPPORT OF MOTION FOR LEAVE  
TO WITHDRAW BENJAMIN D. BIANCO AS COUNSEL**

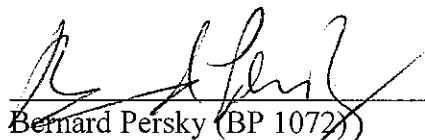
BERNARD PERSKY declares as follows:

1. I am a Partner for the law firm of Labaton Sucharow LLP, counsel for Brendan Cody in the referenced action, which is not yet scheduled for trial. I make this declaration in support of my motion to withdraw Benjamin D. Bianco as counsel for Plaintiff Brendan Cody in this action.

2. Benjamin D. Bianco was formerly an Associate attorney with Labaton Sucharow LLP. The other attorneys at the Labaton firm who have appeared for Plaintiff Brendan Cody in this case will continue to represent him. Accordingly, I respectfully request, pursuant to Local Civil Rule 1.4, that the Court issue an order granting Benjamin D. Bianco, leave to withdraw as counsel for Plaintiff Brendan Cody.

I declare, under penalty of perjury that the foregoing is true and correct. Executed in New York, New York on November 12, 2010.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Bernard Persky', is written over a horizontal line.

Bernard Persky (BP 1072)  
LABATON SUCHAROW LLP  
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New York, NY 10005  
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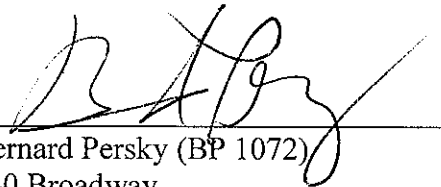
*Interim Co-Lead Counsel*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing

**Declaration Of Bernard Persky In Support Of Motion For Leave To Withdraw**

**Benjamin D. Bianco As Counsel** was filed electronically with the Clerk of Courts using the CM/ECF system, which will send notification of such filing to all counsel of record on this 12th day of November, 2010.

A handwritten signature in black ink, appearing to read 'BP', is written over a horizontal line.

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